

## REMARKS AND ARGUMENTS

### Status of the claims

Claims 1, 2, 5-8 and 17 are under examination. Claims 1, 2, 5-8 and 17 are rejected. Claim 17 is objected to.

### Claim objections

Examiner objects claims 17 because of informalities. Applicant has canceled claim 17, whereby the objection is moot.

### Claim rejections under 35 U.S.C. section 112 first paragraph- scope of enablement

Claims 1-2, 5-8 and 17 are rejected under 35 U.S.C. 112, first paragraph, because, while being enabling for reducing the formation of said surface adhesive organelles, does not reasonably provide enablement for preventing the same.

To overcome this rejection applicant has amended claim 1, so that it does not refer to the capability of affecting the formation of surface adhesive organelles. The applicant has amended claim 2 so that it defines the antimicrobial peptide claimed in claim 1 with the capability to *inhibit* formation of surface adhesive organelles and *inhibiting* self-polymerization of equal peptide units. Instead of the verb 'reducing', as the examiner proposed, the applicant has used the verb 'inhibit', because this is term that has been used throughout the specification. It is applicants understanding that similarly as the verb 'reduce', the verb 'inhibit' is not an absolute definition like term 'prevent', which means to stop from occurring, as the examiner correctly points out. Applicant believes that with this amendment rejection of claims 1 and 2 is overcome.

Applicant has canceled claims 5 and 17. Applicant has amended claims 6 and 7 by replacing term 'prevent' with term "inhibit". Applicant believes that by these amendments rejection of claims 6 and 7 is moot.

Claim rejection under 35 U.S.C. section 112 second paragraph

Claims 1-2, 5-8 and 17 are rejected under 35 U.S.C. 112 second paragraph. Examiner states that the claim language of claim 1 referring to “an antimicrobial peptide corresponding to active sites of amino-terminal extension of subunits assembling surface adhesive organelles...” is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has removed this language from claim 1, and instead defines the peptide as Thr-Ala-Thr-Val-Thr-Val (SEQ ID NO: 1), which the examiner states was not found to be reasonably taught or suggested by the prior art of record (page 2 of current office action). Applicant believes that this amendment makes independent claim 1, as well as dependent claims 2, 6, and 7 allowable.

Claim rejection under 35 U.S.C. section 112 1<sup>st</sup> paragraph –written description and enablement

Claims 1-2, 6-8 and 17 are rejected under 35 U.S.C. 112 1<sup>st</sup> paragraph. Examiner states that the invention as broadly claimed, lacks sufficient structure, and/or function, or other evidence to satisfy the ‘possession’ and “undue experimentation’ litmus test under both these prongs. Examiner further states that applicant has 5 sequences which appear to satisfy both prongs. Examiner further states that applicant may wish to consider amending the claims thereto, for which the examiner is willing to extend the search and examination. Applicant has amended claim 1 so as to specifically refer to Thr-Ala-Thr-Val-Thr-Val (SEQ ID NO: 1), which the examiner states was not found to be reasonably taught or suggested by the prior art of record. Applicant believes that this amendment makes the rejection moot as to claims 1, 2, 6-8. Claim 17 has been canceled.

Claims 1-2, 6-7 and 17 are rejected under 35 U.S.C. 112 first paragraph as failing to comply with the enablement requirement. Examiner states that while being enabling for using SEQ ID NO 1, 4 and 5 for the *in vivo* use as antimicrobials, it does not provide enablement for all *in vivo* uses of all undefined antimicrobial peptides that correspond to the tertiary structure of the active site formed from the assembly of surface organelle,

also with unknown structure. Applicant has narrowed claim 1 so as to encompass only Thr-Ala-Thr-Val-Thr-Val (SEQ ID NO: 1). Claims 2, 6 and 7 are dependent of claim 1. Applicant has canceled claim 17. Applicant believes that these amendments overcome the rejection.

## CONCLUSION

In light of the above amendments, as well as the remarks and arguments, Applicant believes the pending claims are in condition for allowance and issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 202-463 3275.

The applicant has replied to each objection and rejection made by the Examiner by amending the claims. The applicant believes that the claims as now amended are allowable and therefore respectfully requests reconsideration of the rejections and allowance of the claims.

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